

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
DOMINGO PENA,)	
)	Civil Action No. 04-CV-40191-WGY
Petitioner,)	
)	
v.)	
)	
DAVID L. WINN, Warden,)	
)	
Respondent.)	
_____)	

RESPONDENT’S NOTICE OF SUPPLEMENTAL AUTHORITY

The Petitioner, Domingo Pena, an inmate at the Federal Medical Center, Devens, filed the instant Petition for Writ of Habeus Corpus and/or Mandamus under 28 U.S.C. §§ 1361 and 2241, alleging that the Federal Bureau of Prisons has incorrectly calculated the appropriate credit for good conduct time (“GCT”). In support of this argument, Petitioner relies upon the district court’s opinion in White v. Scibana, 314 F. Supp. 2d 834 (W.D. Wisc. 2004).

The Respondent hereby provides notice that the district court’s opinion in Scibana was reversed by the Seventh Circuit Court of Appeals on December 2, 2004. A copy of the slip opinion is attached hereto.

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Mark Grady
MARK GRADY
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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of December 2004, the foregoing document was served upon Petitioner, Domingo Pena, Reg. No. 42808-083, FMC Devens, P.O. Box 879, Ayer, MA 01432 by mail.

/s/ Mark Grady
Mark Grady